

July 28, 2009

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., July 28, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei

Members absent: None

Staff present: Assistant City Manager Bart Warner; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on July 14, 2009, were approved as distributed.

The Mayor stated that City Manager Kolakowski was not in attendance due to illness.

Assistant City Manager Warner reported on the following:

- the Family Fun Day held on July 18 at Greenwood Park was a successful and well attended event – the staff advised there were 100 people participating
- Cop Camp will be held the week of August 10 at Bedford Middle School
- the City will be hosting a Sustainable Communities Workshop on August 6, at the Bower Center for the Arts and which is being sponsored by the Region 2000 Local Government Council

Councilman Wandrei, Chairman of the Water & Sewer Committee, stated the Committee met to discuss: 1) facility fee analysis –the proposed fee rates will be included on the agenda of the next regular Council meeting; 2) update on water reuse project.

The Mayor moved agenda item “Introduction of New Bedford School Superintendent and City School Board” as the last item under *New Business*.

Ms. Ginger Bell spoke regarding Bedford Main Street’s plans for the future. Ms. Bell reported that there are no employees in the office and the Board of Directors is somewhat at a standstill. Ms. Bell said that a group of downtown merchants, landlords, and investors has met and formed a committee to work together. Ms. Bell reviewed services and merchandise offered in the downtown area. Ms. Bell reviewed future plans for Bedford Main Street, which included: proceed through the guidelines of Bedford Main Street, Inc.; be merchant driven and investor friendly; hold quarterly merchant town hall gatherings; help fill available buildings and offices; have Virginia Main Street lead a Visionary 101 meeting; report back to City Council on a regular basis. Main Street has secured the services of Dan Plattus as office personnel for the next five months.

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Mr. Plattus stated he was one of the many business and property owners in attendance at the meeting. He stated that the merchants would like the opportunity to rebuild the Main Street Program. Mr. Plattus reviewed Main Street's first objectives: to evaluate and reorganize the Main Street Board, as need be; elect officers where needed; and to organize the Merchant Advisory Committee (currently there are 17 merchants on the committee).

Mr. Plattus explained new ideas to be implemented: 1) create an all-inclusive Centertown business map for visitors and residents to be reprinted monthly to keep current and to be passed out at each and every retail location; propose a larger map for Centertown Park to complement the existing kiosk; 2) recreate the Main Street website to include the existing Main Street information, contact information, all City events, a printable City map, and all information available for commercial space that is either vacant or for sale; 3) organize a program for combined sale promotions and joint advertising for Centertown merchants to include newspaper, radio, and magazines; 4) establish a committee to attract new businesses to Bedford.

Mr. Plattus requested the funds allocated to the Main Street Program for the next six months to cover the salary of a full-time contract employee. The employee would handle the day-to-day operations, manage the office, organize the merchants, the meeting, and oversee the short-term goals. Mr. Plattus stated the Main Street membership fees would be \$10.00 per month or \$100.00 per year – initial goal – 30 merchants.

Mayor Tharp thanked Mr. Plattus and Ms. Bell for their excellent presentations and stated Council looks forward to working with the new revitalized Main Street organization.

Mr. Warner stated that on July 9, 2009, Council enacted an ordinance adding provisions to the City Code for the licensing of dealers in precious metals and pawnbrokers. Mr. Warner explained that Section 14-318 of that ordinance provided for an applicant for a pawnbroker's license to post a bond as required by state law "with the Clerk of Court."

Mr. Warner then reviewed the following information with Council: the state statutes do not address where the bond is to be filed. Counsel for an individual interested in applying immediately for a pawnbroker's license has discussed the matter with the City Attorney. The City Attorney has spoken with the Clerk of the Circuit Court who has suggested that it would be preferable to have the surety bond posted with the City Clerk. The procedures in the ordinance have been amended to clarify that the bond shall be executed in favor of the City Council in a form acceptable to the City Attorney and shall be filed with the City Clerk. The proposed amendment to the ordinance also makes corresponding references to the amount of the bonds in the sections of the Code dealing with license fees and administrative charges. In view of the fact that an individual has notified the City that he intends to make application for a pawnbroker's license in the very near future, the City Attorney recommends that the City Council declare an emergency, thus eliminating the need for posting or publication of the proposed ordinance. The proposed ordinance contains such a declaration. City Council is requested, by proper motion, and by a two-thirds vote of those present voting, to enact the proposed ordinance.

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On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried unanimously by a roll call vote, Council approved the ordinance making technical amendments to the City Code pertaining to licensing precious metals dealers and pawnbrokers. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Mayor Tharp	aye

The ordinance follows as adopted:

ORDINANCE NO. 09-12

AN ORDINANCE MAKING TECHNICAL AMENDMENTS TO THE CITY CODE PERTAINING TO THE LICENSING OF PRECIOUS METAL DEALERS AND PAWNBROKERS

Section 1. Chapter 14, Section 14-318 of the City Code (enacted on July 14, 2009) is amended and reenacted as follows:

Section 14-318. Procedures for issuance of license.

(a) Upon receipt of the application fee and review of the application, the Chief of Police shall make a criminal records check of the applicant; shall ascertain if the applicant has received a zoning permit for conducting a pawnshop at the designated location; and shall determine if the applicant otherwise meets the requirements of this article. If the Chief of Police denies the application, he shall inform the applicant of the decision in writing of any reason for disapproval within 30 days from the date that the applicant has submitted all required information.

(b) If the Chief of Police approves the application for a permit, he shall notify the applicant in writing that the applicant may proceed to obtain an order from the Judge of the Circuit Court of Bedford County, pursuant to Virginia Code Section 54.1-4001. The application or petition to the Circuit Court shall be made by the applicant or his counsel under the style or title In Re: Application of _____ (name of applicant) for City of Bedford Pawnbroker's License, and a copy of the petition or application shall be served upon or accepted by the City Attorney who shall represent the City in the proceedings.

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(c) Pursuant to the provisions of Virginia Code Section 54.1-4003, no person shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000 to secure the payment of any judgment under the provisions of that statute. Such bond shall be executed in favor of the City Council in a form acceptable to the City Attorney and shall be filed with the City Clerk.

(d) Upon receipt of a certified copy of the order from the Judge of the Circuit Court of Bedford County authorizing the City to issue a pawnbroker's license, and upon proof that the bond required in the preceding paragraph has been filed with the City Clerk, the Chief of Police shall issue the license, and he shall advise the Commissioner of Revenue of such issuance. It shall be the responsibility of the applicant to obtain the necessary business license from the Commissioner of Revenue prior to commencement of the operations of the business of a pawnbroker.

Section 2. Section 1-16 of the City Code which sets forth License Fees and Administrative Charges is amended to reflect the new license fees for precious metals dealers and pawnbrokers as follows:

(a) The provision for a \$500 license fee for the precious metal dealers license under the section entitled "Commissioner of the Revenue" is deleted;

(b) At the beginning of the section entitled "Police Department," the following provisions are added:

License Fees. Pawnbrokers statutory permit \$200
Precious Metal dealers statutory permit \$200

Section 3. In view of the fact that an individual has notified the City that he intends to make an application for a pawnbroker's license and the technical amendments in this ordinance are necessary in order to issue such a license or permit in a prompt manner, the City Council, pursuant to Section 2-54 of the City Code declares that an emergency exists justifying waiving of the requirement of posting or publication of proposed ordinances usually required under that section.

Section 4. This Ordinance shall take effect immediately upon enactment, and a copy shall be published or posted in accordance with Section 19 of the City Charter.

The Mayor welcomed the new Bedford School Superintendent, Dr. Doug Schuch.

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Dr. Schuch spoke regarding his activities since beginning his job as the new Bedford School Superintendent. Dr. Schuch stated he looks forward to finding out where City Council and the citizens think the school system should be heading.

Mayor Tharp stated that Council is excited about Dr. Schuch being here and his planning experience is going to be vital to the Bedford community.

Mayor Tharp adjourned the meeting at 7:20 p.m.